

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's allowance of claims 1-15 and 19-32 is respectfully acknowledged.

Claim 2 has been amended to make some minor improvements. No new matter has been added, and no new issues with respect to patentability have been raised. Accordingly, it is respectfully requested that the amendments to claim 2 be approved and entered, and it is respectfully submitted that claim 2 remains in condition for allowance.

CLAIMS 16-18

Claims 16-18 were rejected under 35 USC 112, first paragraph, on the grounds that the recitation of a "computer-readable recording medium" is not supported by the original disclosure.

In addition, claims 16-18 were rejected under 35 USC 101, on the grounds that the claimed "computer-readable recording medium" could include, for example, signals, which are not patentable under 35 USC 101.

Claims 16-18 have been amended to recite methods, instead of computer-readable recording media. And claim 17 has been amended to make some additional minor improvements. It is respectfully submitted that no new matter has been added and that no new issues have been raised which require further consideration on the merits and/or a new search. Accordingly, it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

None of amended independent method claims 16-18 recites a computer-readable recording medium. Accordingly, it is respectfully requested that the rejection under 35 USC 112, first paragraph, be withdrawn.

As explained by the CAFC in *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008), a process claim complies with 35 USC 101 if the process (1) is tied to a particular machine or apparatus or (2) transforms a particular article into a different state or thing. Each of method claims 16-18 is tied to a particular apparatus, namely a concrete image pickup system, which comprises an image pickup element as well as various units via which the methods are carried out. Accordingly, it is respectfully submitted that amended method claims 16-18 recite statutory subject matter under 35 USC 101, and it is respectfully requested that the rejection under 35 USC 101 be withdrawn.

Claims 16-18 were not rejected based on the prior art. Accordingly, it is respectfully submitted that amended independent claims 16-18 are in condition for allowance, along with allowed claims 1-15 and 19-32.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

DH:iv